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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,545	11/22/1999	Jacob L. Guedalia	204.312	8798

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CHAPIN & HUANG L.L.C.
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 120
WESTBOROUGH, MA 01581

EXAMINER

WEAVER, SCOTT LOUIS

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/444,545

Applicant(s)

GUEDALIA ET AL.

Examiner

Scott L. Weaver

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5,7,8, and 10.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-34,36-38,44-47,49-71,83-99,109-123,129-133,139-174,176 and 178-221.

Continuation of Disposition of Claims: Claims rejected are 1-3,10-15,30,31,51-53,55,59-61,64,65,144,149,155,159-161,165,180,187-189,198,201,205-209 and 216-221.

Continuation of Disposition of Claims: Claims objected to are 4-9,16-29,32-34,36-38,44-47,49,50,54,56-58,62-71,83-99,109-123,129-133,139-143,145-148,150-154,156-158,162-164,166-174,176,178,179,181-186,190-197,199,200,202-204 and 210-215.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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2. Claims 1-3, 10-15, 30-31, 51-53, 55, 59-61, 64-65, 144, 149, 155, 159-161, 165, 180, 187-189, 198, 201, 205-209, and 216-221 are rejected under 35 U.S.C. 102(e) as being anticipated by Luzeski et al. (#6,404,762).

The claims read on Luzeski as follows : Luzeski teaches with respect to each of claims 216 and 221, enabling user to record a voice message using telephones connected via telephony network,, (see figure 1, 10-7; col.) as well as computer network enabling non-streaming Internet communication between computers such as via email (figure 1, 16; col.5,ln.3-65), a link to streaming audio is communicated to the telephone network via non-streaming internet protocol communications (email notification is with link to stored voice message; col.1,ln.42-44; col.6,ln.14-33; col.6,ln.56-col.7,ln.7; col.11,ln.47-57) and a streaming audio player operative to play the streaming audio over at least a portion of the telephony network (col.13,ln.46-60). This also provides the limitations of claim 10-15, 21, 30-31, 51-53, 55, 59-61, 64-65 Email is enabled as per claims 1-3, 144, 155, 159-161, 165 , 180, 187-189 voice response computers (messaging platform 10) are connected to node of computer network (internet, see figure 1) and are actuatable via telephone to communicate audio message received via email (col.13,ln.46-52).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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4. Claims 4-9, 16-29, 32-34, 36-38, 44-47, 49-50, 54, 56-58, 62-71, 83-99, 109-123, 129-133, 139-143, 145-148, 150 – 154, 156-158, 162-164, 166-174, 176, 178-179, 181-186, 190-197, 199-200, 202-204, 210-215 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Weaver whose telephone number is 703-308-6974. The examiner can normally be reached on Tuesday to Friday 8 AM to 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SCOTT L. WEAVER
PRIMARY EXAMINER

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